

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DWIGHT RUSSELL, et al.,

Plaintiffs,

v.

HARRIS COUNTY, TEXAS, et al.,

Defendants.

Civil Action No. 4:19-cv-226
The Honorable Lee H. Rosenthal
U.S. District Judge

**SUPPLEMENTATION FILED BY THE HONORABLE BRIAN E. WARREN, THE
HONORABLE CHUCK SILVERMAN, AND THE HONORABLE LORI C. GRAY IN
THEIR OFFICIAL CAPACITY AS JUDGES OF THE 209TH, 183RD, AND 262ND
DISTRICT COURTS, HARRIS COUNTY, TEXAS**

In response to the Court's request for updated information on the parties' efforts to set formal individualized bail-determination hearings, Judges Brian E. Warren, Chuck Silverman, and Lori C. Gray submit the following information.

On September 1, 2020, counsel for the above-listed judges received the most recent list of in-custody defendants whose release on a personal bond was objected to by the District Attorney's Office, titled *In_Custody_Defendants_Reviewed_8.24.2020.xlsx*. The spreadsheet listed the following numbers of defendants for each of the judges:

- Judge Gray – five detainees
- Judge Warren – six detainees
- Judge Silverman – ten detainees

Each judge conducted an independent review of each defendant listed on his or her list and we report the following:

Judge Gray - Two listed defendants made bond. Of the three others, one had an ICE hold, two others were arrested for a violent offense or offense involving a weapon while released on bond. No defendant on the list requested a formal on-record bail-determination hearing.

Judge Warren - Two defendants had ICE holds. One defendant had a parole hold. The other three had been previously released on bond and were subsequently arrested for new crimes while on release. No defendant on the list requested a formal on-record bail-determination hearing.

Judge Silverman - Two defendants were released on bond (including one where Judge Silverman set a bond hearing *sua sponte*, which resulted in a lowered bond amount). The others had holds or other circumstances to retain the bond as set. No defendant on the list requested a formal on-record bail-determination hearing

The above-named judges submit the following additional information for the Court's consideration in relation to their efforts to reduce the jail population: (1) all defendants held on any amount of bail receive an individualized hearing before the hearing officers; (2) all defendants held on any amount of bail are offered an informal review of their bail at their initial appearance in district court; (3) all bail hearings before the hearing officers or district judges are individualized; (4) bail reduction requests and/or bail review requests before the above-listed judges are typically conducted by oral motion; although some attorneys file a motion for bond reduction, most of which are heard without a record/transcript; (5) if a motion is filed it is

typically heard at the next setting of the case; (6) the judges do not typically review their docket and set formal bail hearings where no party requests such a hearing.

Judges Warren, Silverman and Gray also wish to advise the Court that each has agreed to the Sherriff's proposed Covid 19 Medical Clearance Procedure, dated August 19, 2020, allowing inmates who previously tested positive, to be re-tested and allowed to proceed to court if the subsequent test result is negative. On August 27, 2020, Judges Warren, Silverman and Gray provided notice to the Sherriff's Office that they would follow this procedure in their courtrooms beginning Monday, August 31, 2020. The above-listed judges have withdrawn any orders contrary to the Sherriff's policy.

Respectfully submitted.

/s/ G. Allan Van Fleet

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CERTIFICATE OF SERVICE

I, G. Allan Van Fleet, hereby certify that on this the 4th day of September, 2020, a true and correct copy of the foregoing document was transmitted using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ G. Allan Van Fleet

G. Allan Van Fleet